



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	DPOR/Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 10-20
<b>Regulation title</b>	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects Rules and Regulations
<b>Action title</b>	To implement a mandatory continuing education program as required by HB1054 (2006)
<b>Date this document prepared</b>	11/14/2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

HB1054 was passed during the 2006 legislative session which mandates that the Board implement a continuing education program for the renewal and reinstatement of architect, professional engineer, and land surveyor licenses. This regulatory action is intended to fulfill the requirements as established by HB1054.

Other changes which may be necessary may also be considered.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 54.1-404.2 of the Code of Virginia, as established by HB1054 from the 2006 legislative session (see Chapter 683 of the 2006 Acts of Assembly), mandates that the Board promulgate regulations to create a continuing education program for the renewal and reinstatement of architect, professional engineer, and land surveyor licenses.

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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Section 54.1-404.2 of the Code of Virginia, as established by HB1054 from the 2006 legislative session, mandates that the Board promulgate regulations to create a continuing education program for the renewal and reinstatement of architect, professional engineer, and land surveyor licenses.

Other changes which may be necessary may also be considered.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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The legislation requires that the Board develop a continuing education program to require the equivalent of 16 hours per biennium of Board approved continuing education activities for the renewal or reinstatement of architect, professional engineer, and land surveyor licenses.

Other changes which may be necessary may also be considered.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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While alternatives to the proposal are not applicable as this is a statutorily mandated requirement, the Board will consider any and all comments received during the comment periods as to any proposed alternatives.

**Public participation**

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated*

*in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

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The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so at the public hearing or by mail, email or fax to Mark N. Courtney, DPOR, 3600 West Broad St., Richmond, VA 23230, tel. (804) 367-8514, fax (804) 367-0795, and [APELSCIDLA@dpor.virginia.gov](mailto:APELSCIDLA@dpor.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

### Participatory approach

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The Board plans on establishing a committee to develop draft wording for the proposed regulations to be considered by the Board. While the composition of the committee has not been decided on at this time, at a minimum, the committee will have public comment periods at the beginning and end of each committee meeting to facilitate public input.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The contemplated changes are not anticipated to have any significant impact on Virginia's families.

**Periodic review – Public comment**

This NOIRA is not the result of a periodic review of the regulation.

**Periodic review - Discussion**

This NOIRA is not the result of a periodic review of the regulation.